Court No.1

Civil Writ Petition No.4154 (S/S) of 2001.

Mudrika Ram ……..Petitioner.

Versus

Food Corporation of India
and four others. ……. Respondents.

Hon'ble P.C. Verma, J.

Heard Sri J.C.Joshi, learned counsel for the petitioner and Sri M.C. Pandey, learned counsel for the respondents.

This writ petition has been filed by the petitioner challenging the show cause notice dated 01.08.2001, by which the petitioner has been required to show cause as to why disciplinary proceeding be not drawn against him as the Department has suffered a loss of money on account of proceeding on medical leave by the petitioner.

The learned counsel for the petitioner submits that the medical leave was due in the account of the petitioner and the petitioner bona-fidely availed the medical leave as he was suffering from ailment of Diabetes and Hypertension. The medical leave of petitioner was duly sanctioned. Therefore, the petitioner cannot be subjected to any disciplinary proceeding as intended in the show cause notice.

I find force in the contention of the learned counsel for the petitioner. Since the petitioner was on medical leave, therefore, he could not be responsible for the loss suffered

during the period in which he was on medical leave. Therefore, the show cause notice is factually without jurisdiction. Even otherwise if an employees is guilty of some misconduct, departmental proceeding can be drawn without issuing notice to show cause.

For the reasons recorded above, the writ petition is allowed. The show cause notice is hereby quashed.

(P.C. Verma, J.)

16.8.2001
P.Singh